

Notice of Allowability

Application No.

10/827,554

Examiner

Daniel I. Walsh

Applicant(s)

WORKENS

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4-23-07.
2. ☒ The allowed claim(s) is/are 1,3,7-9,11,14,25-33,35-39,41,53,55,57-63 and 65-73.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9-07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. Receipt is acknowledged of the RCE received on 4-23-07.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Monica Workens on 9-14-07.

The application has been amended as follows:

Replace claim 1 with:

1. A method of funding a transaction between a customer account and a merchant account, comprising: a customer receiving a communication of an amount for a purchase from the merchant, loading into a card reading terminal, a card of a customer to be used to complete the transaction, the card including a plurality of account identifiers of different accounts stored in a memory of the card, which can be used to fund a transaction, the account identifiers being stored in the memory by either scanning a document containing account identifier barcodes or by a card reader copying account identifiers from a magnetic strip of a different customer card into the card memory, verifying the customer through input of a Personal Identification Number (PIN)

into the card reading terminal, selecting, by the verified customer, one of the accounts to be used for the transaction, the selection causing an associated server of the account to be contacted through a network, the associated server for the selected account causing the displaying of a prompt and real time information on the card reading terminal for the user to initiate the transaction, and transferring funds, directly, in real time, from the selected account on the card to the merchant account, without the funds undergoing further processing, clearing, or verification by an intermediate or third party before the funds are transferred, to pay the merchant account to complete the transaction, whereby the customer and merchant directly settle through their own bank, the respective side of the transaction, and wherein the memory of the card stores account identifiers of accounts of merchants on the cards, permitting the direct and real time transferring of funds to occur.

Cancel claims 2, 4-6, 10, 13, 16-17,

Replace claim 3 with:

3. The method of claim 1, wherein the account identifiers of accounts of merchants are receive from the card or provided by the institution directly.

Claims 7-9, 11, 14, and 17: Replace “The method...,wherein” with – The method of claim 1, wherein... --

Replace claim 25 with:

25. A point of sale transaction system for funding a transaction between a customer and a merchant comprising: a point of sale terminal having a card reader to read a card of the customer, the card including a plurality of account identifiers of different accounts stored in a memory of the card which can be used to fund a transaction, a barcode reading device or a card reading device for storing the account identifiers in the memory by either scanning a document containing account identifier barcodes or by a card reader copying account identifiers from a magnetic stripe of a different customer card into the card memory, each account identifier being associated with an account from which funds can be transferred to fund a transaction, the point of sale terminal operable to permit the customer to select an account associated with one of the plurality of account identifiers stored on the card after customer verification by Personal Identification Number (PIN) entry into the point of sale terminal, displaying a prompt and real time account information to a customer whereby a customer selects an account to fund the transaction, a server connected to the point of sale terminal via a network, and operable, in response to a signal, to transfer funds in real time from the selected account of the customer to an account of the merchant to complete the transaction, whereby the customer and merchant each settle their side of the transaction directly through their own bank, and wherein funds are transferred directly from the customer account to the merchant account without the funds undergoing further processing, clearing or verification by an intermediate or third party before funds are transferred, and wherein the memory of the card stores account identifiers of accounts of merchants on the cards, permitting the direct and real time transferring of funds to occur.

Cancel claim 34

Re claim 35: Replace “first account and second or receiving account” and “different account” with – funding account and merchant account – and – different financial institution –

Re claim 36: Replace “first accounts” and “second account” with – funding accounts’—and – merchant account --.

Re claim 37: Replace “first accounts” and “second account” with – funding accounts’—and – merchant account --.

Re claim 38: Replace “first accounts” and “second account” with – funding accounts’—and – merchant account --.

Re claim 39: Replace “first accounts” and “second account” with – funding accounts’—and – merchant account --.

Cancel claim 40

Replace claim 41 with:

41. The system of claim 25, where the network can include a wide area network (WAN).

Cancel claims 42-52.

Replace claim 53 with:

53. The method of claim 1 wherein funding a transaction comprises the customer to authorize the transfer of funds by entering a PIN to conduct a banking or non-banking transaction.

Cancel claim 54 and 56

Re claim 59-62: Replace “second account” with – merchant account --.

Cancel claim 64

Replace claim 65 with:

65. A computer readable medium encoded with a computer program product for facilitating the funding of a truncation between customer and merchant accounts, the computer program product being tangibly stored on a point of sale machine and at servers of the merchants comprising instructions operable to cause one or more processors to: store a plurality of account identifiers of a plurality of accounts usable by a customer to fund a transaction, into a memory of a card of the customer by either scanning a document containing account identifier barcodes or by a card reader copying account identifiers from a magnetic strip of a different customer card into the card memory; accept a selected account identifier stored in memory on a card presented by a user to fund a transaction; facilitate access to the selected customer account by verification

of a customer through a Personal Identification Number (PIN) entry; receive real time information, including account balances associated with the account identifier; receive a command to complete a transaction and receive information on the amount required to complete the transaction, and responsive to the request of the card user, directly send the information to facilitate the transfer of funds in real time from the chosen account to a merchant account to complete a transaction; provide individual and aggregated account transaction information completed through the system; transfer funds in real time from the selected account of the customer to an account of the merchant to complete the transaction, whereby the customer and merchant each settle their side of the transaction directly through their own bank; transfer funds directly from the customer account to the merchant account without the funds undergoing further processing, clearing or verification by an intermediate or third party before funds are transferred, wherein the memory of the card stores account identifiers of accounts of merchants on the cards, permitting the direct and real time transferring of funds to occur.

Replace claim 70 with:

70. The product of claim 65, further proving a transaction and authorization number for each transaction.

Replace claim 71 with:

71. The method of claim 1, whereby the merchant credits at least a portion of the funds to the users chosen account.

Re claims 72-73: Replace “non-user” with – merchant --.

Allowable Subject Matter

3. Claims 1-3, 7-9, 11, 14, 25-33, 35-39, 41, 53, 55, 57-63, and 65-73 and are allowed.

The following is an examiner’s statement of reasons for allowance: The prior art fails to teach the limitations of the independent claims including the direct transfer means as specified in the claims in addition to the cards storing user and merchant account/account identifiers.0

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

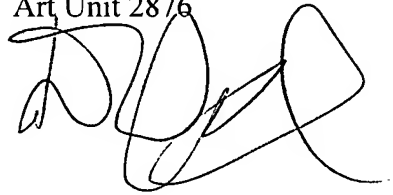
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel I Walsh
Examiner
Art Unit 2876

A handwritten signature in black ink, appearing to read 'D. Walsh', with a large, stylized flourish extending from the end of the signature.